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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,709	01/24/2006	Saied Abedi	FUJL 22.280 (100794-01012)	2992
26304 7590 02/15/2011 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER				
ZEWDU, MELESS NMN				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
02/15/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/565,709

**Applicant(s)**

ABEDI, SAIED

**Examiner**

Meless N. Zawdu

**Art Unit**

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 January 1935.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 7-9, 16-20 and 29 is/are rejected.  
7) ☒ Claim(s) 2-6, 10-15, 21-35 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the communication filed on 12/21/10.
2. Claims 1-35 are pending in this action.

***Claim Objections***

Claim 1 is objected to because of the following informalities: on line 10, "high" should be --- higher ----. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: on lines 1-2, "a quality" should be ---- the quality ----. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: on line 2, "a user equipment" should be ---- a user equipment, in the plurality of said user equipments ----. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: on line 2, "a measure of a quality" should be ---- the measure of the quality ---. Appropriate correction is required.

Claim 6 is objected to because of the following informalities: on lines 3- 4, "a corresponding source user equipment" should be ---- a corresponding source user equipment, in the plurality of said destination user equipments ----. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: on line 2, "for each" should be ---- for said each ----. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: on line 3, "for that" should be ---- for one ----. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: on line 4, "user equipments" should be ---- user equipments, in the plurality of said destination user equipments ----. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: on line "for each" should be --- for said each ---. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: on line 2, "quality of packet delivery" should be ---- quality of service for packet delivery ----. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: on line 1, "for each" should be ---- for each of said ----. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: on line 3, "for that" should be --- for a ----. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: on line 2, "user equipments" should be ---- user equipments, in the plurality of said destination user equipments ---. Appropriate correction is required.

Claim 11 is objected to because of the following informalities: on line 2, "for each" should be --- for each said ----. Appropriate correction is required.

Claim 13 is objected to because of the following informalities: on lines 1-2, "user equipment" should be --- user equipment, in the plurality of said source user equipments ---. Appropriate correction is required.

Claim 16 is objected to because of the following informalities: on line 1, "wherein uplink" should be ---- wherein the uplink ----. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: on line 1, "wherein uplink" should be ---- wherein the uplink ----. Appropriate correction is required.

Claim 18 is objected to because of the following informalities: on lines 2 and 3, "scheduling uplink transmissions" should be ---- scheduling the uplink transmissions ---. Appropriate correction is required.

Claim 19 is objected to because of the following informalities: on line 1, "wherein the rate" should be ---- wherein a rate ---. Appropriate correction is required.

Claim 19 is objected to because of the following informalities: on line 2, "uplink transmission" should be ---- an uplink transmission ----. Appropriate correction is required.

Claim 19 is objected to because of the following informalities: on line 2, "the modulation and coding" should be ---- a modulation and coding ----. Appropriate correction is required.

Claim 20 is objected to because of the following informalities: on line 1, "wherein the rate" should be ---- wherein a rate ----. Appropriate correction is required.

Claim 20 is objected to because of the following informalities: on line 2, "adjusting the intervals" should be ---- adjusting intervals ----. Appropriate correction is required.

Claim 21 is objected to because of the following informalities: on lines 1-2, "user equipment" should be ---- user equipment, in the plurality of said source user equipments ----. Appropriate correction is required.

Claim 22 is objected to because of the following informalities: on lines 1-2, "user equipment" should be ---- user equipment, in the plurality of said source user equipments ---. Appropriate correction is required.

Claim 23 is objected to because of the following informalities: on lines 1-2, "user equipment" should be ---- user equipment, in the plurality of said source user equipments ---. Appropriate correction is required.

Claim 24 is objected to because of the following informalities: on lines 1-2, "user equipment" should be ---- user equipment, in the plurality of said source user equipments ---. Appropriate correction is required.

Claim 25 is objected to because of the following informalities: on lines 1-2, "user equipment" should be ---- user equipment, in the plurality of said source user equipments ---. Appropriate correction is required.

Claim 29 is objected to because of the following informalities: on line 2, "user equipments" should be ---- user equipments, in the plurality of said source user equipments----. Appropriate correction is required.

Claim 29 is objected to because of the following informalities: on line1, "a new credit" lacks antecedent basis. Appropriate correction is required.

Claim 30 is objected to because of the following informalities: on line 10, "the credit value" lacks an antecedent basis.. Appropriate correction is required.

Claim 31 is objected to because of the following informalities: on line 8, "user equipment" should be ---- user equipment, in the plurality of said source user equipments, for ----. Appropriate correction is required.

Claim 31 is objected to because of the following informalities: on line 14, ""high than" should be ---- higher than ----. Appropriate correction is required.

Claim 32 is objected to because of the following informalities: on line 6, "user equipment" should be ---- user equipment, in the plurality of said destination user equipments ----. Appropriate correction is required.

Claim 32 is objected to because of the following informalities: on line 8, "the credit" should be ---- the received credit ----. Appropriate correction is required.

Claim 32 is objected to because of the following informalities: on line 10, "high than" should be ---- higher than ----. Appropriate correction is required.

Claim 34 is objected to because of the following informalities: on line 6, "user equipment" should be ---- user equipment, in the plurality of said destination user equipments ----. Appropriate correction is required.

Claim 34 is objected to because of the following informalities: on line 11, "a plurality of user equipments, each said user equipment being" should be ---- the plurality of said source user equipments, each being ----. Appropriate correction is required.

Claim 34 is objected to because of the following informalities: on line 12, "to a base station" should be ---- to the base station ---. Appropriate correction is required.

Claim 34 is objected to because of the following informalities: on line 12, "to a" should be ---- to the ---. Appropriate correction is required.

Claim 34 is objected to because of the following informalities: on lines 9-10, "use equipment" should be ---- user equipment, in the plurality of source user equipments ---. Appropriate correction is required.

Claim 34 is objected to because of the following informalities: on line 17, "the user" should be --- the source user ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 17, "user equipment" should be ---- user equipment, in the plurality of said source user equipments, for ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 22, "a plurality of user equipments, each said user equipment being" should be ---- the plurality of said source user equipments, each being ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 23, "to a base" should be ---- to the base ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on lines 23-24, "to a plurality" should be ---- to the plurality ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 24, "destination user equipments" should be ---- said destination user equipments ----. Appropriate correction is required.



Claim 35 is objected to because of the following informalities: on line 24, "each said user" should be ---- each said source user ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 27, "'from the user" should be ---- from said each user ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 30, "high than" should be ---- higher than ---. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 16, "of a quality" should be ---- of the quality ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 17, "a user" should be ---- a source user ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 18, "from the user" should be ---- from said source user ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 20, "the user" should be ---- the source user ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 21, "the user" should be ---- the source user ----. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 24, "the user" should be --- the source user ---. Appropriate correction is required.

Claim 35 is objected to because of the following informalities: on line 27, "uplink" should be --- the uplink ---. Appropriate correction is required.

Note: examiner has attempted to correct numerous informalities as shown above.

Applicant is advised to do more corrections of informalities that may have escaped examiner's attention.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 7- 9, 16-20, 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Under § 101, as clarified in Bilski, the test for method claim is whether the claimed method is (1) tied to a particular machine or apparatus, or (2) transforms a particular article to a different state or thing, the test which is known as the **"machine-or-transformation test"**. While, in the claims in question, the devices (base station and user equipment) mentioned in the preamble are considered as intended uses (for they are not used to enhance the body of the claims), there is no a particular machine or apparatus tied to the steps in the body of the claim/s nor is there a transformation that takes place in the steps recited.

***Allowable Subject Matter***

Claims 30-35 will be allowed, provided the objections associated therewith are properly overcome. Until then, the claims are held as objected.

***Response to Arguments***

Applicant's arguments filed 4/16/10 have been fully considered. The claims will be allowed if the 101 rejection is overcome and the informalities associated with the above claim objections are properly addressed. Until then, the claims are held as objected.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne D can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

/Meless N Zewdu/

Primary Examiner, Art Unit 2617

2/14/2011